

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Larry Washington,

Petitioner,

v.

Case No. 1:13cv765

Warden, Lebanon Correctional
Institution,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on May 9, 2014 (Doc. 15).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation (Doc. 15) in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation (Doc. 15) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 15) of the Magistrate Judge is hereby **ADOPTED**. Respondent's Motion to Dismiss (Doc. 13) is **GRANTED**, and petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is **DISMISSED** with prejudice on the ground that the petition is time-barred under 28 U.S.C. § 2244(d).

A certificate of appealability will not issue with respect to any of the claims for relief alleged in the petition consistent with the Report (Doc. 15) by the Magistrate Judge.

Pursuant to 28 U.S.C. § 1915(a), any request for certificate of appealability or request to appeal *in forma pauperis* will not be taken in good faith and will be denied unless and upon showing of financial necessity. See Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett
United States District Judge